



Department of Energy

Bonneville Power Administration
P.O. Box 3621
Portland, Oregon 97208-3621

PUBLIC AFFAIRS

June 4, 2012

In reply refer to: DK-7

Richard van Dijk
Ex 6

FOIA Consult #BPA-2012-00183-C

Dear Mr. van Dijk:

This is the final response to the request for documents you made through the U.S. Army Corps of Engineers under the Freedom of Information Act (FOIA). The U.S. Army Corps of Engineers requested Bonneville Power Administration's (BPA) review of documents found in response to your request that originated from BPA.

BPA is providing those documents on the enclosed CD. Most of the information being redacted is redacted under Exemption 5. There is also some information redacted under Exemption 6.

Exemption 5 protects from mandatory disclosure "inter-agency or intra-agency memorandums or letters that would not be available by law to a party other than an agency in litigation with the agency . . ." Exemption 5 incorporates the deliberative process privilege which protects advice, recommendations, and opinions that are part of the process by which agency decisions and policies are formulated. Also, draft documents, by their very nature, are pre-decisional because they are prepared prior to the undertaking of any action by the agency. Draft documents are deliberative because they are part of the deliberative process by which that agency action was considered and taken. They reflect only the tentative view of their authors, views that might be altered or rejected upon further deliberation either by the authors or by their superiors. The withheld draft document does not represent final agency policy on the matters it discusses.

BPA asserts Exemption 6 for information which could reasonably be expected to constitute an unwarranted invasion of personal privacy if disclosed. The withheld information consists of the names and personal contact information (address, email, and/or phone numbers) of individual citizens who have expressed an interest in this Project, as well as the personal cell phone numbers and email addresses of various individuals working on this Project. Release of this information could subject these individuals to unwanted intrusions of privacy. There is no public interest in the disclosure of this information because it does not shed any light on how BPA has performed its statutory duties.

One document is withheld as non-responsive as it does not answer your request.

Due to the size of the responsive documents they cannot be posted. To obtain a copy contact the BPA FOIA Office at 503-230-7305.

Pursuant to 10 CFR 1004.8, if you are dissatisfied with this determination you may appeal in writing within 30 calendar days of receipt of this response letter. The appeal should be made to the Director, Office of Hearings and Appeals, HG-1, Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585-1615. The written appeal, including the envelope, must clearly indicate that a FOIA Appeal is being made.

I appreciate the opportunity to assist you. Please contact Kim Winn, Communications Specialist at 503-230-5273 with any questions about this letter.

Sincerely,

/s/Kim S. Winn for
Christina J. Munro
Freedom of Information Act/Privacy Act Officer

Enclosure: CD